

Date: Sun, 12 Jun 94 04:30:10 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V94 #253
To: Ham-Policy

Ham-Policy Digest Sun, 12 Jun 94 Volume 94 : Issue 253

Today's Topics:

440 in So. Cal.

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

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(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: 12 Jun 1994 05:15:21 GMT
From: ihnp4.ucsd.edu!usc!nic-nac.CSU.net!charnel.ecst.csuchico.edu!
yeshua.marcam.com!news.kei.com!ssd.intel.com!chnews!cmoore@network.ucsd.edu
Subject: 440 in So. Cal.
To: ham-policy@ucsd.edu

Michael P. Deignan (md@pstc3.pstc.brown.edu) wrote:

: That is correct. And, unless your operating coverage is identical to
: mine, or your machine is sufficently located far enough away that our
: operating coverages minimally overlap, that's exactly what is going to
: happen. -- Michael P. Deignan

Hi Michael, this slow-thinking Texan is trying to understand. If the
coordinated station transmits, then the uncoordinated station
does not transmit... no PL involved. Both repeater inputs are PLED
on different frequencies. Somebody, I think from Michigan, said they
had run this configuration for years without problems. If the un-
coordinated repeater detects any RF on the output frequency, then it
simply refuses to transmit... why won't that work?

73, KG7BK, 00TC, CecilMoore@delphi.com

Date: Fri, 10 Jun 1994 17:31:02 -0400
From: ftpbox!mothost!lmpsbbs!NewsWatcher!user@uunet.uu.net
To: ham-policy@ucsd.edu

References <2stdg1\$642@nyx10.cs.du.edu>, <CSLE87-060694105004@145.39.1.10>,
<2t57al\$i3k@nyx10.cs.du.edu>
Subject : Re: 440 in So. Cal.

In article <2t57al\$i3k@nyx10.cs.du.edu>, jmaynard@nyx10.cs.du.edu (Jay Maynard) wrote:

> In article <CSLE87-060694105004@145.39.1.10>,
> Karl Beckman <CSLE87@email.mot.com> wrote:
> >> By decoordinating an existing repeater, you have destroyed its value. That's
> >> theft.
> >In the amateur service station operators cannot be compensated for use of
> >their station. Thus there is no "value" to destroy.
>
> OK, a little exercise:
> I have a repeater sitting in my garage. It works, but isn't on the air due to
> not being coordinated. That repeater has little value to me, for it's not
> useful. Now, say I get a coordination. It goes up, and is useful. Its value
> has been multiplied manyfold.
> By decoordinating a repeater, you destroy its value to its owner; after all,
> why bother putting the thing up if you don't want to use it? I assure you it's
> not because building, installing, and maintaining a repeater is the most fun
> you can have with your clothes on...because it isn't.
>
> > The point of difference
> >is solely (in my interpretation of) your opinion that any existing repeater
> >operator is legally entitled to exclusive use of the frequency pair and
> >that such a frequency allocation has monetary value, while the rules
> >explicitly prohibit such a position and require sharing.
>
> Sorry, but the FCC disagrees. They have repeatedly held that using a
> repeater's input or output without using the repeater is not in accordance
> with good amateur practice. Such an allocation has value because without it
> the (expensive) repeater is useless.

THat's true, but they have NEVER said that you can't have more than one
repeater in an area on the same channelpair. In fact (here we go again,
read the rules word for word, don't guess at what the field office says)
97.101b SPECIFICALLY PROHIBITS allocation of any frequency "for the
exclusive use of any station." Now, using your example, since your
committee is denying the purchaser of the second repeater fair and equal

use of his equipment, should the coordinator be forced to pay the difference in value?

>
> >I certainly agree that the Texas VHF Society's stated membership policy
> >makes it one of the most open groups in the country.
>
> Thank you.
>
> > However, its
> >coordination policy of "one system to a pair" makes it an old boys group at
> >its worst. There's no reason to join TVHFS when the defacto coordination
> >policy is that new repeater requests will be rejected because the
> >long-timers are not willing to share their frequency pairs with any other
> >amateur repeater stations.
>
> There's no reason to join at all, except to have input into the process;
> membership is not required to become coordinated.

>
> We are not forcing people to share channels because the membership (which HAS
> been asked about this) chose not to, due in large part to a (very justified)
> fear of getting our butts sued off. Yes, I agree that that's not the ideal
> situation, but we must deal with the world - including our excessively
> litigious society - as it is.
>
> >One more time: 97.101b strictly and explicitly prohibits the assignment of
> >any frequency "for the exclusive use of any station." Your membership
> >cannot take a vote to suspend this codified federal regulation within the
> >state of Texas or anywhere else. It is a condition of the station license
> >grant!
>
> On the other hand, stations can't maliciously interfere with others, and the
> rules also provide that if a coordinated repeater is interfered with by an
> uncoordinated repeater, the uncoordinated repeater is primarily responsible
> for resolving the interference.

Yes, but 97.205 ONLY applies to the repeater stations themselves; that's why it's NOT in the general rules section but in the section dealing with repeater stations. As an example, your ID goes off every three minutes while my second repeater is in use. If my repeater is coordinated, you've got to fix the problem by listening on the output and not transmitting while the output channel is busy. If I'm NOT coordinated, my users are SOL.

But if one of your USERS keys up the system while one of my guys is on the air, he's PERSONALLY on the hook for deliberate interference to another radio communication (97.101d) ON THE INPUT, even if your repeater has the

lockout receiver and your system does NOT key up.

>
> >Nobody except you said that the prior repeater had to pack up and leave.
>
> Sharing frequencies is politically impossible.

The FCC Rules, although politically motivated, do not make allowance for the particular whims of those who want nobody else heard on the output frequency of their repeater.

>
> >ALL repeater users do need to recognize and remember that ALL frequencies
> >in the Amateur Radio Service are shared according to law; the same is also
> >>true for user/licencees under Part 90.
>
> Good luck. You've got a LOT of educating to do.

No, the FCC may have a bit of enforcement to do, but you signed up for the education part when you agreed on your last license renewal that you had a copy of the FCC Rules. Every coordinator (who holds an amateur license - it's NOT required, you know!) needs to open up his personal copy, notice which portions of text are in which sections, and then stop spreading false interpretations to the local or regional amateur community.

>
> >You are absolutely correct that other coordinators recommend the best
> >frequency, whether it is currently unused (very hard to find) or occupied
> >by one or more other users. My personal recommendation is to modify the
> >wording of 97.101b to explicitly include the frequency coordinating body in
> >the restrictions right along with the station licensee and control
> >operator.
>
> We still won't do it. We can't afford to get sued by every trustee that
> doesn't want to share a pair. (BTW, we DO allow sharing where the other
> trustee(s) on the pair agree, in writing.)

Legally you can't afford NOT to, since the trustees have NO LEGAL SAY in the coordination process. And neither your or my FCC license nor the FCC Rules include any conditions of third-party permission before I can operate my station as a repeater, in exactly the same manner as that third party who happens to have made a claim to a specific frequency.

>
> > Does your organization respond to every repeater request with a
> > frequency, or do you reply that "There are NO available frequencies for
> > your repeater?"

Then the answer to the question was "No, we do NOT find a frequency with the least impact on other amateur stations." Now read 97.101b and consider how you would adjust your past coordinating practices to comply with the law.

>
> If the band is full, we place the requester on a waiting list. As pairs
> become available, the first person on the waiting list that can be satisfied
> by that pair gets it. We also encourage folks to try other bands. The world
> doesn't fall off into space at 144, 148, 440, and 450 MHz...
>

I think you'd better stop at 220, since in all the higher bands amateurs are shared secondary users and subject to primary allocation to others at any time. Another unjustified reason the owners will use to call their lawyers and haul the coordinator in to court. It's especially bad because Part 97 includes no legal basis for frequency coordination in the first place, so you can't use that document as a defense.

> >IMHO, the band is full when ALL useable frequencies are in use more than
> >75% of the total time available, which happens to be 24 hours a day. This
> >definition still leaves 6 full hours every day when nothing is on the air
> >on any given channel. Compare 2M to 20M if you want to know what a "full"
> >band sounds like, modulation differences and long-winded political
> >diatribes aside.
>
> You will never see this level of usage. Allow me to bring in a parallel from
> mainframe systems planning: The problem is not overall usage, but peak usage.
> You don't buy a CPU that runs 90% busy for a 24-hour period and expect to get
> reasonable interactive response time at 10:30 AM. Instead, you do your
> capacity planning based on what kind of response time you need at peak hours.
> If you don't, your users will come after you with swords and axes. Similarly,
> a band that's 75% full over a 24-hour period is so badly overloaded that
> nobody will be able to talk at evening rush hour.

Have you ever picked up the phone, dialled, and gotten a busy signal? Or in real busy times you might not have even gotten a dial tone. Why do you feel that a hobby is entitled to a better grade of service than the general public? That's why the requirement for sharing is specifically codified into the rules.

>
> You can't put modulation differences aside when comparing 2 to 20; that's a
> key element of why 20 can handle many more conversations in a given chunk of
> spectrum.

No, I meant that the bandwidth might be narrower and capture isn't taking place, but you still can't legally chase everyone else off "your" channel,

whether the local committee said you were coordinated or not, especially when you aren't actively using it for communications..

>
> >If you or TVHFS want to apply a different criteria, state it clearly and
> >expose it to some open public review, both within and outside your
> >coordinating body (full-body flak jacket recommended regardless of your
> >position).
>
> We do: 85 miles between repeaters on the same channel.
>
> >You might be surprised to see how many additional repeater prospects are
> >willing to "share a pair," as long as technically justifiable operating
> >parameters are specified and fairly applied to all occupants in any given
> >band, not just the newcomers.
>
> Ha ha ha. We've asked trustees for years to share channels. I can count on the
> fingers of one hand how many have volunteered to do so.
>
> This is not a technical problem. This is a political problem. Technical
> solutions won't fix it.

Adherence to "the way we do it" got tossed out with segregation in the sixties. The pattern of repeated violations and denial of equal access to the amateur spectrum that your society records clearly document could also get you into serious trouble under the RICO statutes. Unfortunately it will probably take more federal lawyers to get the private voluntary coordinators to start complying with rules that have been in place for more years than most have been licensed.

If the coordinators would simply state the technical terms including tone access in their letter of coordination, instead of blindly saying "This is the way our existing owners want it done" the process could begin. You also really need to include somewhere in your correspondence that "All frequency grants and station licenses are issued solely by the FCC..." ending with 97.101b, just like the commercial guys do it.

> --
> Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can
> jmaynard@admin5.hsc.uth.tmc.edu | adequately be explained by stupidity.
> To Sarah Brady, Howard Metzenbaum, Dianne Feinstein, and Charles Schumer:
> Thanks. Without you, I would be neither a gun owner nor an NRA life member.

--

Karl Beckman, P.E.	<	Genius may have its limitations, but	>
Motorola LMPs- Analog Data	<	stupidity is not thus handicapped.	>
	<	- Elbert Hubbard	>

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Amateur radio WA8NVW @ K8MR.NEOH.USA.NA NavyMARS VBH @ NOGBN.NOASI

Date: Fri, 10 Jun 1994 16:59:49 -0400
From: ftpbox!mothost!lmpsbbs!NewsWatcher!user@uunet.uu.net
To: ham-policy@ucsd.edu

References <2t1it6\$8e2@sugar.NeoSoft.COM>, <CSLE87-080694114513@145.39.1.10>,
<2t6tg4\$bi7@sugar.NeoSoft.COM>...
Subject : Re: 440 in So. Cal.

In article <2t6tg4\$bi7@sugar.NeoSoft.COM>, jreese@sugar.NeoSoft.COM (Jim Reese) wrote:

> In article <CSLE87-080694114513@145.39.1.10>,
> Karl Beckman <CSLE87@email.mot.com> wrote:
>
> >Now regarding "90/10," after 30 years in amateur radio, I'm certainly not
> >arguing that part. I'm simply saying that a new repeater applicant who also
> >wants to be on the 10% side of the equation cannot legally be denied access
> >to a non-specific frequency or band solely because he was not first in
> >line.
>
> You are correct. He can't legally be denied access to the frequency. No
> coordinator can keep anyone from putting a repeater on any frequency they
> want. Coordinators simply coordinate. They aren't enforcers of the
> rules... that's the FCC's job.
>
> Except for some weak wording in part 97, amateur frequency coordination has NO
> LEGAL BASIS at all. It never had it, and it probably never will. It's
> interesting that the Amateur Radio Service is the only radio service regulated
> by the FCC that doesn't have FCC recognized frequency coordinators. In every
> other service, the FCC either does the job itself, or officially recognizes a
> group to perform the service. It's clear they see the need for frequency
> coordination, and that need is great enough to persuade them to officially
> recognize a specific group. Why not in the Amateur service?
>
> I used to believe frequency coordination didn't need a national level
> organization to "legitimize" it. I have changed my mind on this. I now
> believe someone, probably the ARRL, needs to legitimize frequency coordination
> in the Amateur Service. It would add consistency, and would provide a means
> to discuss the political issues like band planning in a public forum where
> all could be heard. It would also be able to absorb the inevitable lawsuits.

I think we need spectrum management, not frequency coordination. I would
immediately sign the bottom of your petition if you made that wording

change. And if implemented by the FCC in the rules, there would be no need to worry about lawsuits. Remember, all use of the radio spectrum is a privilege granted by the FCC, not a right granted by the US Constitution or the club's bylaws. Treat spectrum management proposals just like any other FCC rulemaking action, with periods for public comments, then write and implement the revised rule wording. The commercial side has been running this way for forty years. I don't see why folks who are only in this as a hobby can't find a way to improve their hobby's chances for survival as we enter the era of spectrum auctions.

>

> The basis of your argument is the coordinators can't prevent anyone from using
> any frequency. I agree with you on this point. However, you have to agree
> that if everyone just put on repeaters on any frequency they wanted, there
> would be anarchy and no need for frequency coordinators. This anarchy is why
> there are now frequency coordinators. In the early days of FM, there were no
> rules, standards, guidelines, or band plans. Everyone did what they wanted.
> Frequency coordination as it exists today grew out of the need to bring some
> order to the chaos.

I disagree. The band plan is voluntary, but it works. It does NOT limit the number of repeater stations in a given area, because it does NOT say that only one repeater can exist per bandplan channel pair. The limitation is artificial, by and for the benefit of solely those who already have existing repeaters and wish not to have to share their "private" channel with anyone else. The repeater subbands are the only portion of the US amateur spectrum where this illegal practice is allowed to exist and even grow. Try staking out a spot on the 40M band and claiming that anyone else who transmits there is deliberately causing interference to your station. Even W1AW doesn't attempt that one!

>

> At some time, you must decide it's worthwhile to _voluntarily_ restrict your
> right to put up anything on any frequency to improve the state of the whole
> band. Where to draw this voluntary line is the basis of these discussions.
> No coordinator can prevent anyone from doing anything. They can simply refuse
> to sanction it. If that operator does it anyway, the coordinator can't do
> anything but watch. Until a complaint of interference is filed with the FCC,
> even the rules giving preference to coordinated systems doesn't come into
> play.
> There can be effective frequency sharing only if BOTH operators agree to
> share. A coordinating group cannot FORCE either operator to share.
> Eventually, there will be someone who won't take "no" for an answer who will
> sue you. I've been there. That's exactly what happened to the Texas VHF-FM >
Society.

I am quite sure that your chances of successfully defending a suit over denial of equal access to the amateur spectrum via a denial of coordinated

status would be MUCH less than anything you and Jay have been through so far. The argument that "We've always coordinated this way because the existing repeater operators told us to" doesn't justify a long practice of continued violation of the rules. 97.101b clearly states that "No frequency will be assigned for the exclusive use of any station."

>

> >Now it sounds like you want to be on the 90% side of the equation; let
> >somebody else do the work sometime later, but not for me (or to me) right
> >now.

>

> Let me set the record straight on this point. I coordinate all point-to-point
> link frequencies for the Texas VHF-FM Society statewide. I have served as
> Director, as Technical Coordinator, and as the 2 meter frequency coordinator
> for North Texas in the past. I authored the current Standards for Frequency
> Coordination which are used by the Texas VHF-FM Society. I daresay I've taken
> action.

>

Does your action comply with 97.101b which I just quoted above? If not, your continued pattern of actions denying a second repeater on a channel in a given area involves repeated civil rights violations of federal law. Further, since there is a long history of them in your records, the organization could also be prosecuted by the federal government for violations under the RICO statutes.

>

> >How many coordinators want mandatory repeater tone access, including
> >requiring TCS to be retrofitted to existing systems or losing coordinated
> >status?

>

> I think most coordinators see the need for tone access. This isn't the point.
> The point is can they politically get it past the membership of the group they
> represent? This item has been discussed in Society meetings before...five
> years ago, the reaction from the floor was "hell no!". Last summer, the
> Society discussed it again and the reaction from the floor was "well...maybe
> there is something to this...". Perhaps in a year or so we can get it
> through, but we won't ram it down people's throats. You can't MAKE a
> volunteer do anything. Things take time. Remember, if this weren't a HOBBY,
> we'd all be rich!

>

And at the rate frequencies are about to be auctioned off, you'll only be rich UNTIL you buy your repeater a channel under the next mini-band plan.

Coordinators are not supposed to represent a single user group, they are required to represent ALL amateurs ELIGIBLE to operate repeater or auxiliary stations. They are supposed to make their own technical

recommendations, not those of a club, even those voted by a majority of the club membership. They are supposed to be independent of the small groups and represent the whole population.

> --

> Jim Reese, WD5IYT | "Real Texans don't let the truth get in
> jreese@sugar.neosoft.com | the way of a good story."

--

Karl Beckman, P.E. < Genius may have its limitations, but >
Motorola LMPs- Analog Data < stupidity is not thus handicapped. >
< - Elbert Hubbard >

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Amateur radio WA8NVW @ K8MR.NEOH.USA.NA NavyMARS VBH @ NOGBN.NOASI

Date: 11 Jun 1994 18:48:27 -0700
From: ihnp4.ucsd.edu!news.cerf.net!ccnet.com!ccnet.com!not-for-
mail@network.ucsd.edu
To: ham-policy@ucsd.edu

References <nduehrCqyyGp.2rw@netcom.com>, <1994Jun6.124354.12073@cs.brown.edu>,
<CSLE87-070694100513@145.39.1.
Subject : Re: 440 in So. Cal.

Karl Beckman (CSLE87@email.mot.com) wrote:

: Bob, you missed the point entirely. The frequency coordinator doesn't want
: to give Michael an approval, despite his use of tone access.

In this discussion Michael is operating an existing closed coordinated
repeater. Ed has proposed to operate an open repeater in the same general
coverage area sharing the frequency.

: Bob, how does your coordinator justify (under the FCC Rules Part 97)
: placing any additional conditions, including requiring written consent from
: a third party, on an existing amateur licensee who desires to operate his
: station as a repeater, in exactly the same fashion as the other (consenting
: third-party) existing licensee? These are the things that lawsuits are
: made much of, loudly and costly too!

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Unlike the commercial side of radio the amateur coordinators sit at the
pleasure of those governed. Do you think that the amateur community would
like to see conflicting groups in their community sharing the same

frequency? What you are looking for is a shared non protected frequency. Many coordinators in the West have by agreement and band planning established several repeater frequencies as SNP. These frequencies can support several low usage repeaters simultaneously. The expectations of a protected receiver are not inherent in this service. CTCSS is encoded and decoded by all users and repeaters.

In our area the frequency coordinators require the use of ctcss on all new repeaters or those that have made significant changes. This policy has been in place for at least five years. Would you believe the the driving force is the Users of these repeaters to convert to ctcss.

At a recent coordinating council meeting one of the trustees wanted to create a new class of repeaters...The Heritage Class. This class of repeater, typically those 2meter club boxes that were high-level with 200 members would not have to operate with ctcss after a significant change to their coordination. After much discussion this proposal was soundly defeated. There is a vary high percentage of repeaters using ctcss in our area and the user community of amateurs does not want to step backward.

This is a vary reasonable case where the community and its coordinating body have established policy that is far stricter than a light reading of the fcc rules.

The commision rules do address the issue of coordinated vs uncoordinated. I do not understand who the "third party" is in your discussion. I would think the first party would be the coordinated repeater, the second party would be the repeater seeking coordination, and the third party would be the coordinator assisting the the first and second parties come to a mutual agreement as to how they share the responsibility of interference mitigation.

Coordination requires cooperation. The coordinating body is a cooperative venture, whose success or failure is dependant on the cooperation of those for whom it is working. The repeater sub-bands are a finate source of channels that are rapidly becoming depleted. They will support a large number of users in a harmonious manner. It is a fragile entity and its misuse can spoil it for everyone.

I think you can agree that because of poor coordination of commercial uhf repeaters in the metro areas, there were at least ten different companies sharing multiple repeaters on the same frequency. Most of these companies gladly spent the big bucks to get out of a bad situation. Most of these companies went to cellular phones or to trunking radios using the new technology. The radio manufacturers and service providers made a killing in the market to the vary detriment to the users.

How do you propose that the amateur service and its coordinating bodies
avoid the costly mistake to the users made by the commercial manufactures?

Bob

--

Bob Wilkins	work	bwilkins@cave.org
Berkeley, California	home	rwilkins@ccnet.com
94701-0710	play	n6fri@n6eeg.#nocal.ca.usa.noam

End of Ham-Policy Digest V94 #253
